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A
COMPILATION

OF THE

Election Laws of the State of Vermont,

TOGETHER WITH THE

Statutes of Vermont and the United States

RELATING TO

NATURALIZATION.



Published by Authority.

RUTLAND:

ATTLE COMPANY, OFFICIAL PRINTERS
TO THE STATE OF VERMONT.
1885.

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Vermont Laws Statutes of the State of Vermont

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JUL 14 1927

AN ACT AUTHORIZING THE COMPILING,
PRINTING AND DISTRIBUTION OF LAWS
RELATING TO ELECTIONS, QUALIFICATION
OF VOTERS, AND THE NATURALIZATION OF
FOREIGN BORN CITIZENS.

*It is hereby enacted by the General Assembly of the
State of Vermont:*

SEC. 1. The Governor is hereby authorized and required to appoint some suitable person to compile all laws of this State that may be in force on the first day of January, 1885, relating to elections and the qualification of voters in freeman [freemen's] and town meetings, together with the statutes of this State and of the United States relating to naturalization.

SEC. 2. Three thousand copies of such compilation shall in January 1885 be printed, and bound in paper at the expense of the State and distributed as follows: to each organized town or city in this State having more than three thousand inhabitants ten copies, and to each town or city having less than three thousand inhabitants six copies, to be kept at the town or city clerk's office for the use of the town or city clerk, first constable and board of civil authority; the balance shall be kept in the State Library for distribution under the direction of the librarian.

SEC. 3. This act shall take effect from its passage.

Approved Nov. 15, 1884.

COMPILER'S REPORT.

To his Excellency,

SAMUEL E. PINGREE,

Governor of Vermont,

Sir :—I have the honor to submit to you the following compilation prepared under the authority of your commission. The purpose of the act under which the commission was issued was manifestly to provide a manual of the election laws of the State, not for the use of lawyers or legislators, but for the service of laymen, and especially of the officials who have in charge our election machinery. I have therefore not thought it necessary or wise in the marginal references to trace the origin of the sections beyond the Revised Laws or to cite any cases from the Vermont Reports. I have only attempted to bring together under a simple and natural plan the laws of this State which provide how voters are made, what officers are elected in freemen's and town meetings and who are eligible candidates, how the elections are conducted in those meetings, and what sanctions the Legislature has thrown around the purity of the ballot.

I should acknowledge the free use which I have made of the excellent work of the editors of the Revised Laws in the arrangement, the annotations and index of this compilation.

Very respectfully yours,
GEO. W. WALES,
Commissioner.

Burlington, January, 1885.

NOTE.

The numbers in brackets refer to sections of this compilation.

The following abbreviations are used in the work:

(Const.) for Constitution of Vermont.

(R. L.) for Revised Laws of Vermont, 1880.

(R. S.) for Revised Statutes of the United States, 2d edition, 1878.

TITLE A.

NATURALIZATION.

UNITED STATES LAW.

SECTION.

1. Aliens, how naturalized.
2. Aliens honorably discharged from military service.
3. Resident minors.
4. Widow and children of declarants.
5. Aliens of African nativity and descent.
6. Residence of five years in United States.
7. Alien enemies not admitted.
8. Children of persons natural-

SECTION.

- ized under certain laws to be citizens.
 9. Naturalization of seamen.
- VERMONT LAW.
10. Alien not to become a free-man until naturalized.
 11. What court to naturalize, and how.
 12. Penalty for unlawful naturalization.
 13. Court without the county of applicant may naturalize, when.

UNITED STATES LAW.

SECTION 1. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise :

R. S., Sec. 2165.
Aliens, how naturalized.

First. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

Declaration of intention.

Second. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty ; and, particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Oath to support the Constitution of the United States.

Third. It shall be made to appear to the satisfaction of the court admitting such alien, that he has resided within the United States five years at least, and within the State

Residence in United States, or States, and good moral character.

or Territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Titles of nobility
to be renounced.

Fourth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Persons residing
in the United
States before 29th
January, 1795.

Fifth. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or Territory where such court is at the time held: and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; and, also, on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings, required in this condition to be performed in the court, shall be recorded by the clerk thereof.

Persons residing
between 18 June,
1798, and 18 June,
1812.

Sixth. Any alien, who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued

to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty-five of the Revised Statutes of the United States [§ 1], may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty-five [§ 1]; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.

Declaration for
naturalization.
How made.

SEC. 2. Any alien of the age of twenty-one years and upward, who has enlisted, or may enlist in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

R. S., Sec. 2166.
Aliens honorably
discharged from
military service.

E. S., Sec. 2167.
Resident minors.

SEC. 3. Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five [§ 1]; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his *bona fide* intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

E. S., Sec. 2168.
Widow and children of declarants.

SEC. 4. When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five [§ 1], dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths proscribed* by law.

E. S., Sec. 2169.
Aliens of African nativity and descent.

SEC. 5. The provisions of this title shall apply to aliens being free white persons, and to aliens of African nativity and to persons of African descent.

E. S., Sec. 2170.
Residence of five years in United States.

SEC. 6. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

E. S., Sec. 2171.
Alien enemies not admitted.

SEC. 7. No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything

* Error in the roll; should be *prescribed*.

herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

SEC. 8. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed.

R. S., Sec. 2172.
Children of persons naturalized under certain laws to be citizens.

SEC. 9. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant-vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

R. S., Sec. 2174.
Naturalization of seamen.

VERMONT LAW.

SEC. 10. No person who is not already a freeman of this State shall be entitled to exercise the privileges of a freeman unless he be a natural born citizen of this or some one of the United States, or until he shall have been naturalized agreeably to the acts of Congress.

Const., Art. Amend. 1.
Alien not to become a freeman until naturalized.

R. L., Sec. 693.
What court to
naturalize, and
how.

SEC. 11. No court shall naturalize an alien, except upon proceedings and examination and oath of the applicant in open court, before a judge thereof, at a regular term of the court holden in the county where the applicant resides and has resided one year next previous to the date of his application.

[Changed by Sec. 13.]

R. L., Sec. 694.
Penalty for un-
lawful naturali-
zation.

SEC. 12. A clerk or judge of a court who issues a certificate of naturalization to an alien except upon such proceedings, examination and oath, and upon proof of such residence, shall be fined one hundred dollars.

1882, No. 111.
Court without
the county of ap-
plicant may natu-
ralize, when.

SEC. 13. Any court within this State, of competent jurisdiction under the laws of the United States, may take jurisdiction of the application for naturalization of any alien resident within this State, whenever no such court is in actual session within the county where the applicant resides.

All acts and parts of acts inconsistent herewith are hereby repealed.

TITLE B.

ELECTIONS IN FREEMEN'S MEETING.

CHAPTER I.—Officers voted for and the qualifications of eligible candidates.

CHAPTER II.—Qualifications of voters.

CHAPTER III.—Check-list of voters.

CHAPTER IV.—Manner of warning and conducting elections.

CHAPTER V.—Canvassing votes and special elections for Representatives to Congress.

CHAPTER VI.—Election of Electors of President and Vice-President.

CHAPTER VII.—Contesting elections.

CHAPTER I.

OFFICERS VOTED FOR AND THE QUALIFICATIONS OF ELIGIBLE CANDIDATES.

SECTION.

14. Governor, Lt.-Governor, Treasurer; how voted for.
15. Votes for Governor, Lt.-Governor and Treasurer; how counted.
16. Secretary of State and Auditor of Accounts.
17. Votes for Secretary of State and Auditor of Accounts; how counted.
18. Requisite residence of candidate for office of Governor or Lt.-Governor.
19. Requisite residence of candidate for office of Governor, Lt.-Governor, Treasurer or Representative.
20. Senators; election.
21. Number and qualifications of Senators.
22. Apportionment of Senators.

SECTION.

23. Town Representatives.
24. Requisite residence of candidate for office of Town Representative.
25. Time of election of Representative.
26. Assistant Judges.
27. Sheriffs and High Bailiffs.
28. State's Attorneys.
29. Judges of Probate.
30. Justices of the Peace; number in each town.
31. Election of county and probate officers and Justices to be by ballot.
32. Biennial elections.
33. Election of county and probate officers and Justices.
34. Offices incompatible; federal officers ineligible.

Const., Sec. 10th.
Governor, Lieut.-
Governor, Treasurer;
how voted for.

SEC. 14. The Supreme Executive Council of this State, shall consist of a Governor, Lieutenant-Governor, and twelve persons, chosen in the following manner, viz: The freemen of each town shall, on the day of election for choosing Representatives to attend the General Assembly, bring in their votes for Governor, with his name fairly written, to the constable, who shall seal them up, and write on them, *Votes for the Governor*, and deliver them to the Representative chosen to attend the General Assembly; and at the opening of the General Assembly, there shall be a committee appointed out of the Council and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the Governor, and declare the person who has the major part of the votes, to be Governor for the year ensuing. And if there be no choice made, then the Council and General Assembly, by their joint ballot, shall make choice of a Governor. The Lieutenant-Governor and Treasurer shall be chosen in the manner above directed. And each freeman shall give in twelve votes for twelve Councilors, in the same manner, and the twelve highest in nomination shall serve for the ensuing year as Councilors.

[The Council was abolished in 1836 and its powers transferred to the Governor and a Senate.]

SEC. 15. The votes for Governor, Lieutenant-Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and House of Representatives. If, at any time, there shall be no election, by the freemen, of Governor, Lieutenant-Governor and Treasurer, of the State, the Senate and House of Representatives, shall, by a joint ballot, elect to fill the office, not filled by the freemen as aforesaid, one of the three candidates for such office, (if there be so many) for whom the greatest number of votes shall have been returned.

Const., Art. Amend. 9.
Votes for Governor, Lieut.-Governor and Treasurer; how counted.

SEC. 16. The Secretary of State and Auditor of Accounts shall be elected by the freemen of the State upon the same ticket with the Governor, Lieutenant-Governor and Treasurer. The Legislature shall carry this article into effect by appropriate legislation.

Const., Art. Amend. 28.
Secretary of State and Auditor of Accounts.

SEC. 17. The votes for Secretary of State and Auditor of Accounts shall be sorted and counted, and the result declared by the committee appointed by the Senate and House of Representatives to canvass the votes for Governor, Lieutenant Governor and Treasurer.

1884, No. 69, § 7.
Votes for Secretary of State and Auditor of Accounts; how counted.

SEC. 18. No person shall be eligible to the office of Governor, or Lieutenant-Governor, until he shall have resided in this State four years next preceding the day of his election.

Const., Sec. 30th.
Requisite residence of candidate for office of Governor or Lieut.-Governor.

SEC. 19. Every person of good character who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold and transfer land, or other real estate; and after one year's residence shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this State, except that he shall not be capable of being elected Governor, Lieutenant-Governor, Treasurer, Councilor or Representative in Assembly, until after two years' residence.

Const., Sec. 30th.
Requisite residence of Governor, Lieut.-Governor, Treasurer and Representative.

[But see Sec. 10.]

SEC. 20. The freemen of the several towns in each county shall annually, give their votes for the Senators, apportioned to such county, at the same time, and under the same regulations, as are now provided for the election of Councilors.—And the person or persons, equal in number to the number of Senators, apportioned to such county, having the greatest number of legal votes, in such county respectively, shall be the Senator or Senators, of such county.—At every election of Senators, after the votes shall have been taken, the constable or presiding officer,

Const., Art. Amend. 5.
Senators; election.

Lists of votes;
how made, deliv-
ered and can-
vassed.

assisted by the selectmen and civil authority present, shall sort and count said votes, and make two lists of the names of each person, with the number of votes given for each annexed to his name, a record of which shall be made in the town clerk's office, and shall seal up said lists, separately, and write on each the name of the town, and these words, "*Votes for Senator*," or "*Votes for Senators*," as the case may be, one of which lists shall be delivered, by the presiding officer, to the Representative of said town, (if any) and if none be chosen, to the Representative of an adjoining town, to be transmitted to the President of the Senate;—the other list, the said presiding officer, shall within ten days, deliver to the clerk of the county court, for the same county,—and the clerk of each county court, respectively, or in case of his absence, or disability, to the Sheriff of such county, or in case of the absence or disability of both, to the High Bailiff of such county, on the tenth day after such election, shall publicly, open, sort, and count said votes;—and make a record of the same in the office of the clerk of such county court, a copy of which he shall transmit to the Senate:—and shall also within ten days thereafter, transmit to the person or persons elected, a certificate of his or their election. *Provided*, however, that the General Assembly shall have power to regulate by law the mode of balloting for Senators, within the several counties, and to prescribe the means, and the manner by which the result of the balloting shall be ascertained, and through which the Senators chosen shall be certified of their election, and for filling all vacancies in the Senate, which shall happen by death, resignation or otherwise. But they shall not have power to apportion the Senators to the several counties, otherwise, than according to the population thereof agreeable to the provisions hereinbefore ordained.

Const., Art.
Amend. 28.
Number and
qualifications of
Senators.

SEC. 21. The Senate shall be composed of thirty Senators, to be of the freemen of the county for which they are elected, respectively, who shall have attained the age of thirty years, and they shall be elected annually* by the freemen of each county respectively.

R. L., Sec. 46.
Apportionment of
Senators.

SEC. 22. Counties may elect Senators as follows: Addison, two; Bennington, two; Caledonia, two; Chittenden, three; Essex, one; Franklin, three; Grand Isle, one; Lamoille, one; Orange, two; Orleans, two; Rutland, four; Washington, two; Windham, two; Windsor, three.

* Election now biennial. See Sec. 32.

SEC. 23. In order that the freemen of this State might enjoy the benefit of election as equally as may be, each town within this State, that consists, or may consist of eighty taxable inhabitants, within one septenary or seven years next after the establishing of this Constitution, may hold elections therein, and choose each two Representatives; and each other inhabited town in this State, may, in like manner, choose each one Representative to represent them in General Assembly, during the said septenary, or seven years, and after that, each inhabited town may, in like manner, hold such election, and choose each one Representative forever thereafter.

Const., Sec. 7th.
Town Representatives.

SEC. 24. No person shall be elected a Representative, until he has resided two years in this State; the last of which shall be in the town for which he is elected.

Const., Sec. 18th.
Requisite residence of Representative.

SEC. 25. The House of Representatives of the Freemen of this State, shall consist of persons most noted for wisdom and virtue, to be chosen by ballot, by the freemen of every town in this State, respectively, on the first Tuesday of September annually,* forever.

Const., Sec. 8th.
Time of election of Representatives.

SEC. 26. The Assistant Judges of the County Court shall be elected by the freemen of their respective counties.

Const., Art. Amend. 14.
Assistant Judges, County Court.

SEC. 27. Sheriffs and High Bailiffs shall be elected by the freemen of their respective counties.

Const., Art. Amend. 15.
Sheriffs and High Bailiffs.

SEC. 28. State's Attorneys shall be elected by the Freemen of their respective counties.

Const., Art. Amend. 16.
State's Attorneys.

SEC. 29. Judges of Probate shall be elected by the freemen of their respective probate districts.

Const., Art. Amend. 17.
Judges of Probate.

SEC. 30. Justices of the Peace shall be elected by the freemen of their respective towns; and towns having less than one thousand inhabitants may elect any number of Justices of the Peace not exceeding *five*; towns having one thousand, and less than two thousand inhabitants, may elect *seven*; towns having two thousand and less than three thousand inhabitants, may elect *ten*; towns having three thousand and less than five thousand inhabitants, may elect *twelve*; and towns having five thousand, or more, inhabitants, may elect *fifteen* Justices of the Peace.

Const., Art. Amend. 18.
Justices of the Peace; number in each town.

SEC. 31. All the officers named in the preceding articles of amendment shall be annually* elected by ballot and

Const., Art. Amend. 19.
Officers named in five preceding articles to be elected by ballot.

*Election now biennial. See Sec. 32.

shall hold their offices for one year; said year commencing on the first day of December next after their election.

Const., Art.
Amend. 24, § 2.
Biennial elec-
tions.

SEC. 32. The Governor, Lieutenant-Governor, Treasurer of the State, Senators, Town Representatives, Assistant Judges of the County Court, Sheriffs, High Bailiffs, State's Attorneys, Judges of Probate and Justices of the Peace, shall be elected biennially, on the first Tuesday of September, in the manner prescribed by the Constitution of the State.

Const., Art.
Amend. 20.
Election of
county and pro-
bate officers and
Justices.

SEC. 33. The election of the several officers mentioned in the preceding articles, excepting Town Representatives, shall be made at the times and in the manner now directed in the Constitution for the choice of Senators. And the presiding officer of each freemen's meeting, after the votes shall have been taken, sorted and counted, shall, in open meeting, make a certificate of the names of each person voted for, with the number of votes given for each, annexed to his name and designating the office for which the votes were given, a record of which shall be made in the town clerk's office, and he shall seal up said certificate, and shall write thereon the name of the town and the words, *Certificate of Votes for*——— and add thereto, in writing, the title of the office voted for, as the case may be, and shall deliver such certificate to some Representative chosen as a member of the General Assembly, whose duty it shall be to cause such certificate of votes to be delivered to the committee of the General Assembly appointed to canvass the same. And at the sitting of the General Assembly, next after such balloting for the officers aforesaid, there shall be a committee appointed of and by the General Assembly, who shall be sworn to the faithful discharge of their duty and whose duty it shall be to examine such certificates and ascertain the number of votes given for each candidate, and the persons receiving the largest number of votes for the respective offices, shall be declared duly elected, and by such committee be reported to the General Assembly and the officers so elected shall be commissioned by the Governor. And if two or more persons designated for any one of said offices, shall have received an equal number of votes, the General Assembly shall elect one of such persons to such office.

General Assem-
bly to elect in
case of tie.

DISQUALIFICATIONS.

Const., Sec. 26th.
Offices incompati-
ble. Federal offi-
cers ineligible.

SEC. 34. No person in this State shall be capable of holding or exercising more than one of the following offices

at the same time, viz.: Governor, Lieutenant Governor, Judge of the Supreme Court, Treasurer of the State, Member of the Council, Member of the General Assembly, Surveyor General, or Sheriff. Nor shall any person holding any office of profit or trust under the authority of Congress, be eligible to any appointment in the Legislature, or of holding any executive or judiciary office under this State.

CHAPTER II.

QUALIFICATIONS OF VOTERS.

SECTION.	SECTION.
35. Qualifications and oath of free-men.	39. Qualifications of voter for Secretary of State and Auditor of Accounts.
36. Citizens, who are.	40. Residence; student's residence.
37. Voters in freemen's meeting, who are.	41. Taking freeman's oath.
38. Oath of allegiance.	

SEC. 35. Every man of the full age of twenty-one years, having resided in this State for the space of one whole year next before the election of Representatives, and is of a quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this State: Const., Sec. 21st. Freeman's qualifications.

You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any man. Freeman's oath.

[But see Sec. 10.]

SEC. 36. Citizens of the United States, and persons who have become citizens of this State by virtue of the Constitution or laws, are, while residing in the State, citizens thereof. R. L., Sec. 61. Citizens, who are.

SEC. 37. Every male citizen, twenty-one years of age, or more, having resided in the State one year next preceding an election of Governor, Lieutenant-Governor, Treasurer, Secretary of State, Auditor of Accounts, Senators and county officers, Judge of Probate, Justices, Representatives to the General Assembly, Representatives to Congress, or Electors of President and Vice-President of the United R. L., Sec. 62, as amended by 1884, No. 60, § 1. Voters in freemen's meeting.

States, shall have a right to vote for such officers at such election in the town where he resides on the day of the election. But he shall not vote for Town Representative or Justices at such election unless he has resided, during the three months next preceding the election, in the town which is his residence on the day of election, provided that no such citizen, after removing from and residing without the State, shall vote at such election until he has resided in this State one year next preceding the day of such election and has taken the oath of allegiance to the State, the oath to support the Constitution of the United States, and the freeman's oath, and, provided further, that no person who deserted from the military or naval service of the United States during the war for the suppression of the rebellion in the Southern States, and who did not return to such service in the time limited in the proclamation of the President of the United States, or who has not been pardoned therefor, nor any person who has been convicted of a felony and not subsequently restored to his rights of citizenship by act of the General Assembly, shall vote at such election.

Disqualification by reason of desertion or conviction of felony.

THE OATH OF ALLEGIANCE.

Const., Sec. 29th.
Oath of allegiance.

SEC. 38. *You do solemnly swear (or affirm) that you will be true and faithful to the State of Vermont, and that you will not, directly or indirectly, do any act or thing injurious to the Constitution or Government thereof, as established by Convention. (If an oath) so help you God. (If an affirmation) under the pains and penalties of perjury.*

1884, No. 69, § 1.
Secretary of State and Auditor of Accounts; qualification of voter for.

SEC. 39. A person may vote for Secretary of State and Auditor of Accounts at an election, who is entitled to vote for Governor at such election, and at any place where he may vote for Governor.

R. L., Sec. 63,
Residence.

SEC. 40. The town in which the family of a person resides, if he has one, shall be the place of his residence. No person shall gain or lose a residence by reason of his presence or absence while in the service of the State or of the United States; nor while engaged in the navigation of the waters of the State or of the United States or on the high seas; nor while kept in a hospital, almshouse or asylum, or confined in a public prison; nor while a student of a college or seminary of learning. But such student may adopt the town where such college or seminary is located as his place of residence by filing in the clerk's office his declaration to that effect, and the time of his residence shall be computed from the time of filing such declaration.

Student's residence.

SEC. 41. No person shall be admitted to take the freeman's oath, or vote at an election, until he has obtained the approbation of the board of civil authority* of the town in which he resides.

R. L., Sec. 64.
Taking freeman's
oath.

CHAPTER III.

CHECK-LIST OF VOTERS.

SECTION.

- 42. Each town to have check-list; what to contain.
- 43. Hearing of challenges.
- 44. No alterations after certain time.
- 45. Proceedings at hearing; additions at freemen's meeting.
- 46. Check-list how used.

SECTION.

- 47. Town clerk a candidate for Representative, who to perform his duties.
- 48. At presidential and special congressional elections.
- 49. Right to vote determined by check-list.

SEC. 42. The selectmen in each town, shall, at least thirty days before a freemen's meeting, make an alphabetical list of the persons qualified to vote in such freemen's meeting, and shall immediately cause copies of such list to be posted in two or more public places in such town, and a copy to be filed in the town clerk's office. Upon such check-list shall be stated, against the name of each voter, the street and number of his residence, and where the streets are not named and numbered, the school district in which he resides; and against the name of each person on the list who has not resided in the town for which the list is made three months next previous to the freemen's meeting for which the list is made, shall be stated that such person is disqualified to vote for Town Representatives and Justices.

R. L., Sec. 65, as amended by 1884, No. 60, § 2.
To be a check-list in each town; what check-list to state.

SEC. 43. The board of civil authority shall, at least fifteen days before such meeting, appoint a day and place for hearing and determining challenges to the qualifications of persons whose names are upon the check-list; and notice of the hearing shall be attached to the copies of the lists posted up, and lodged in the town clerk's office; and the hearing may be adjourned from day to day, but no hearing shall be had later than the day preceding such meeting.

R. L., Sec. 66.
Hearing of challenges.

SEC. 44. No meeting of the board of civil authority to revise a check-list shall be held, and no alteration in such

R. L., Sec. 67.
No alterations after certain time.

*The board of civil authority of each town is composed of the selectmen and Justices residing in such town. See R. L., Sec. 2710.

list shall be made, after twelve o'clock at night of the Saturday preceding the day on which the list is to be used if the meeting at which such check-list is to be used is to be held on Tuesday; and in no case shall a meeting of the board of civil authority be held to revise a check-list or shall alterations be made in a check-list after thirty-six hours before the time appointed for the meeting at which such check list is to be used.

R. L., Sec. 68, as amended by 1882, No. 112.
Proceedings at hearing.

SEC. 45. At such hearing the board of civil authority shall be in session a reasonable time, and shall hear and determine questions as to the list of voters; and they may examine upon oath persons claiming a right to vote, and may require the production of the naturalization papers of naturalized persons; and they may administer the freeman's oath to a person who would be entitled to take the same at such freemen's meeting; and they shall insert upon the list left in the town clerk's office the names of voters omitted, and erase therefrom the names of persons not entitled to vote. The list, so corrected, in the town clerk's office shall not be altered except by adding thereto the names of persons who at such meeting become qualified to vote; provided that names of persons who become of age before the time fixed for the completion of the check-list, shall not be so added at the freemen's meeting.

Additions at freemen's meeting.

R. L., Sec. 69.
Check-list how used.

SEC. 46. The town clerk, or in his absence one of the selectmen, shall have such list present at the freemen's meeting, and shall check thereon the names of persons voting by making a mark opposite such name for each vote cast so as to indicate the officers voted for; and no other roll of the names of such voters shall be required. The check-list shall be filed in the town clerk's office after the meeting, and the original, or a copy thereof duly certified, shall be evidence in courts that a person, whose name is checked, voted as indicated.

1884, No. 59, § 2.
When town clerk a candidate for Representative, duties to be performed by selectman or Justice.

SEC. 47. Whenever the town clerk of any town in this State shall be a candidate for Town Representative, the duties of town clerk, as required by sections sixty-nine and eighty-one of the Revised Laws [§ § 46, 60], shall be performed by one of the selectmen, or in their absence by a Justice of the Peace.

R. L., Sec. 70.
At presidential and special congressional elections.

SEC. 48. At special elections of Representative to Congress and at elections of Electors of President and Vice-President of the United States, the check-list used at the preceding freemen's meeting, shall be used, with such alterations as the board of civil authority, having given six

days' notice of a meeting for that purpose, may make prior to the day of such election.

SEC. 49. No person shall vote at a freemen's meeting in a town, for any of the officers to be elected at such meeting, unless his name is on the check-list prepared in such town for use at such meeting. And the vote of no person whose name is on the list shall be rejected, except that no person shall be allowed to vote for Town Representative or Justices who is designated on the check-list as disqualified to vote for these officers.

1884, No. 60, § 3.
Right to vote
determined by
check-list.

CHAPTER IV.

MANNER OF WARNING AND CONDUCTING ELECTIONS.

SECTION.

50. Warning.
51. Hour of meeting in towns of more than three thousand inhabitants.
52. Ballot boxes.
53. Presiding officer; candidate not to be.
54. Mode of voting.
55. Form of ballot for State, county, and probate officers.
56. Examination of ballot.
57. Extra ballot boxes.
58. Voting at extra ballot boxes.
59. Right to vote, how decided.
60. Roll of voters.
61. Canvass of votes for Town Representative.
62. Adjournment of freemen's meeting.
63. Town Representative's certificate.
64. Canvass of votes for State officers, County Senators and Representative to Congress.

SECTION.

65. Sealing up votes; certificates.
66. Duplicate certificates.
67. Disposal of votes and certificates.
68. Lists of votes for Senators; notice.
69. Form of certificate for State officers, County Senators and Representative to Congress.
70. Form of certificate for Secretary of State and Auditor of Accounts.
71. Certificate of votes for county and probate officers and Justices.
72. Form of certificate of votes for county and probate officers and Justices.
73. Duty of Secretary of State if certificate not received.
74. Secretary of State to make statement of votes.
75. Final disposal of certificates.

SEC. 50. The constable, or in his absence, the town clerk, or in his absence, a selectman shall, in each town, twelve days before the day of each biennial State election, and six days before the day of each election of Electors of President and Vice President of the United States, set up a notice in writing at the places designated by the town for notifying town meetings, warning the freemen of the town to meet on the day of such election, at the usual place of holding freemen's meetings, to elect the officers to be chosen on that day; and such meeting shall be called at

R. L., Sec. 72.
Warning.

twelve o'clock noon in towns whose population does not exceed two thousand and at ten o'clock in the forenoon in towns of larger population.

R. L., Sec. 73.
Hour at which meeting is to be called in towns of more than 3,000 population.

SEC. 51. In towns whose population exceeds three thousand inhabitants the freemen's meetings held on the first Tuesday of September or held for the purpose of electing Electors of President and Vice-President of the United States, shall be called at nine o'clock forenoon of the day appointed by law for holding the meeting.

R. L., Sec. 74, as amended by 1884, No. 69, § 2.
Ballot boxes.

SEC. 52. Each town shall provide for each voting place, one box for votes for Representative to the General Assembly; one for Governor, Lieutenant-Governor, Treasurer, Secretary of State, Auditor of Accounts, Senators and county officers, and Representative to Congress; one for Justices and one for Electors. Each box shall have a small aperture for depositing votes, shall be properly designated, and be kept by the town clerk.

R. L., Sec. 75, as amended by 1884, No. 59, § 1.
Presiding officer; candidate not to be.

SEC. 53. The first constable, or in his absence a selectman, or in his absence a Justice of the Peace, shall preside at such meeting and call on the freemen from time to time to vote for such officers. But no such officer above named in this section shall preside at such meeting who is knowingly a candidate for Representative to the General Assembly, Senator, Assistant Judge of the County Court, Judge of Probate, Sheriff or State's Attorney, and, in case he is such candidate, one of the other officers above named shall preside.

R. L., Sec. 76.
Mode of voting.

SEC. 54. Persons qualified to vote for any such officers, may in person deliver to the presiding officer a ballot with the name of the person voted for, and a designation of the office, written or printed thereon. State officers, Senators, county and probate officers shall be voted for on the same ballot.

FORM OF VOTE FOR STATE AND COUNTY OFFICERS.

R. L., Sec. 4550, Form 53.
Form of vote for State, county and probate officers.

SEC. 55.

For Governor,

A. B.

For Lieutenant-Governor,

C. D.

For Treasurer,

E. F.

For Senators,

G. H., &c.

For Assistant Judges of the County Court,

J. K., &c.

For State's Attorney,
L. M.

For Sheriff,
O. P.

For High Bailiff,
R. S.

For Judge of Probate for the District of ———,
T. W.

[See Sec. 16.]

SEC. 56. The presiding officer shall receive each ballot in such manner as not to discover the name thereon, but shall examine it so far as to see whether there is more than one; and if there is more than one, he shall make it known to the meeting, and reject said ballot; and no vote shall be afterwards received from such person at the meeting.

R. L., Sec. 77.
Examination of
ballot.

SEC. 57. The board of civil authority in a town in which a check-list is used may direct the opening of not to exceed five sets of ballot boxes at different places in the room where an election is held, and may divide the list into the same number of parts; and no person shall vote except at the place provided for that portion of the list which contains his name.

R. L., Sec. 78.
Extra ballot
boxes.

SEC. 58. When additional sets of ballot boxes are opened, the proper presiding officer shall have the general direction of the meeting; he shall notify the voters at which place each division of said list shall vote, and shall receive the votes at one of said places. At each other place of voting the votes shall be received by one of the board of civil authority, to be named by the board; and the names of persons voting shall be checked by a deputy clerk to be appointed for that purpose by the town clerk, and the town clerk, so far as practicable, shall appoint at each box, or polling place, as such deputy clerk, a person who shall belong to a different political organization or party from that to which the other official, who shall preside at such box, may belong and who is not a known candidate for office at such election; and the boxes shall be turned and the vote sorted and counted as provided when one box is used.

R. L., Sec. 79, as
amended by 1882,
No. 114, § 1.
Voting at extra
ballot boxes

SEC. 59. Such of the board of civil authority as are present shall decide questions as to the right of persons to vote, and the decision of a majority shall govern the presiding officer in receiving or rejecting votes.

R. L., Sec. 80.
Right of voters;
how decided.

SEC. 60. The town clerk, or, in his absence, a select man, shall, when a check list is not used, make a roll* of

R. L., Sec. 81.
Roll of voters;
Town Represent-
ative; Repre-
sentative to Con-
gress.

*All towns are now required to have a check-list. See Sec. 42.

the names of the persons voting for Representative to the General Assembly, and a separate roll of the names of persons voting for Representative to Congress; which rolls shall be kept in the town clerk's office for inspection.

[See Sec. 47.]

REPRESENTATIVE TO THE GENERAL ASSEMBLY.

R. L., Sec. 82, as amended by 1882, No. 114, § 2. Canvass of votes.

SEC. 61. At three o'clock in the afternoon, the votes given for a Representative to the General Assembly shall be canvassed by the presiding officer and such of the board of civil authority and deputy clerks as are present, and if no person has a majority of the votes given the presiding officer shall so inform the freemen, and another balloting shall be had, a reasonable time only being given for receiving and counting the votes; and ballotings shall be continued until an election is made. No vote shall be received on a balloting after the box is turned, but five minutes' notice of the intention to turn the box shall be given by the presiding officer.

R. L., Sec. 83. Adjournment of freemen's meeting.

SEC. 62. A freemen's meeting held on the first Tuesday in September shall not be adjourned before an election of Town Representative is made, unless upon the unanimous vote of the legal voters present at the time the question of such adjournment is put.

R. L., Sec. 84, as amended by 1882, No. 115. Representative's certificate.

SEC. 63. When an election is made the presiding officer shall declare the same in the presence of the meeting, and make and deliver to the person elected a certificate in the following form:

STATE OF VERMONT, }
Town of _____, ss. }

At a freemen's meeting, legally warned and holden at _____, in the county of _____, on the first Tuesday in September, in the year —, A. B. was duly elected a Representative, by a majority of the freemen present and voting, to represent the town of _____ in the General Assembly of the State of Vermont.

Given under my hand at said _____, this _____ day of September, A. D. —.

C. D., *Presiding Officer.*

Which certificate shall be a sufficient credential of such person's election; provided, that in cases where by law the election is by wards or in more places of balloting than one, and there is no common presiding officer, such certificate shall be signed by the town or city clerk.

STATE OFFICERS, COUNTY SENATORS, AND REPRESENTATIVE
TO CONGRESS.

SEC. 64. At five o'clock in the afternoon the presiding officer, with the town clerk and such of the board of civil authority as are present, shall cut apart the votes given for Governor, Lieutenant-Governor, Treasurer of the State, Secretary of State, Auditor of Accounts and Senators, and shall sort and count the same and the votes given for Representative to Congress, and make a list of the persons voted for, and the number of votes for each person, which shall be signed by the presiding officer, and by the town clerk, if present, and recorded in the town clerk's office.

R. L., Sec. 85, as amended by 1884, No. 69, § 3. Canvass of votes.

SEC. 65. Certificates of the votes for Governor, Lieutenant-Governor, Treasurer of the State, Secretary of State and Auditor of Accounts, each attested by the presiding officer, and town clerk, if present at such meeting, together with the votes given, and a certificate of the votes for Representative to Congress, shall severally be enclosed and sealed up by the presiding officer, and on the outside of each package shall be written the name of the town; and on the paper enclosing the votes for Governor shall be written, "*Votes for Governor*"; and on the paper enclosing the votes for Lieutenant-Governor, "*Votes for Lieutenant-Governor*"; and on the paper enclosing the votes for Treasurer, "*Votes for Treasurer*"; and on the paper enclosing the votes for Secretary of State, "*Votes for Secretary of State*"; and on the paper enclosing the votes for Auditor of Accounts, "*Votes for Auditor of Accounts*"; and on the paper enclosing the certificate of votes for Representative to Congress, "*Certificate of Votes for Representative to Congress*".

R. L., Sec. 86, as amended by 1884, No. 69, § 4. Sealing up votes; certificates.

State officers.

Representative to Congress.

SEC. 66. Duplicate certificates of the votes shall be made, sealed up and superscribed as directed above, and those for State officers shall be enclosed by the presiding officer in a single package and sealed and superscribed with the name of the town and the words, *Certificates of Votes for State Officers*.

R. L., Sec. 87. Duplicate certificates.

SEC. 67. The presiding officer shall deliver the votes for Governor, Lieutenant-Governor, Treasurer, Secretary of State and the Auditor of Accounts, and the certificate of votes for Representative to Congress to the Representative of the town or of an adjoining town, to be delivered to the committee appointed by the General Assembly to canvass the same; and he shall, within six days after such freemen's meeting, transmit the duplicate certificates by mail to the Secretary of State at Montpelier.

R. L., Sec. 88, as amended by 1884, No. 69, § 5. Disposal of votes and certificates.

R. L., Sec. 89.
Lists of votes for
Senators; notice.

SEC. 68. Lists of the votes for Senators shall be made, delivered and canvassed, and Senators notified of their election, in the manner prescribed in the Constitution.

[See Sec. 20.]

R. L., Sec. 90.
Certificates, form
of; State officers;
Representative to
Congress.

SEC. 69. The certificates of votes for Governor, Lieutenant-Governor, Treasurer of the State, County Senators, and Representative to Congress, shall be, substantially, in the following form :

At a freemen's meeting, legally warned and holden at _____, in the State of Vermont, on the first Tuesday of September, A. D. _____, the votes for _____ having been duly taken and canvassed, the following persons had the number of votes annexed to their names, respectively.
[Here insert the names of the persons voted for, and the number of votes given for each person.]

Attest,

A. B., *Presiding Officer.*

C. D., *Town Clerk.*

1884, No. 69, § 6.
Certificates of
votes for Secre-
tary of State and
Auditor, form of.

SEC. 70. The certificates of votes for Secretary of State and Auditor of Accounts shall be substantially in the form prescribed for certificates of votes for Governor.

R. L., Sec. 91.
Certificates of
votes for county
and probate offi-
cers and Justices,
how made and
delivered.

SEC. 71. A certificate of the votes for county and probate officers and Justices of the Peace shall be made and delivered, as prescribed in the Constitution, a list of all persons voted for being included in one certificate; and the names of persons voted for shall be written on the list as they are written on the votes. A duplicate certificate shall at the same time be made by the presiding officer, and, in a sealed package with the same superscription, be forwarded by mail within six days to the Secretary of State at Montpelier.

[See Sec. 33.]

FORM OF CERTIFICATE OF VOTES FOR COUNTY AND PROBATE OFFICERS AND JUSTICES.

R. L., Sec. 4550,
No. 54.
Form of certi-
ficate of votes for
county and pro-
bate officers and
Justices.

SEC. 72.

STATE OF VERMONT, }
Town of _____, ss. }

At a freemen's meeting, legally warned and holden at _____, in the county of _____, on the first Tuesday of September, A. D., _____, the votes for Assistant Judges of the County Court, Judge of Probate, State's Attorney, Sheriff, High Bailiff, and Justices of the Peace, having been duly taken, sorted, and counted, the following persons had the number of votes annexed to their names respectively, for the several offices herein stated :

For Assistant Judges of the County Court :

A. B. had ———votes.

C. D. had ———votes.

For Judge of Probate :

A. B. had ———votes.

C. D. had ———votes.

For State's Attorney :

A. B. had ———votes.

C. D. had ———votes.

For Sheriff:

A. B. had ———votes.

C. D. had ———votes.

For High Bailiff :

A. B. had ———votes.

C. D. had ———votes.

For Justices of the Peace:

A. B. had ———votes.

C. D. had ———votes.

Attest,

E. F., Presiding Officer.

DUTIES OF THE SECRETARY OF STATE.

SEC. 73. If the Secretary of State does not receive in due time any certificate required to be forwarded to him, he shall notify the town clerk of the town from which certificates are lacking, who shall immediately make an attested copy of the record in his office of such lacking certificates and transmit the same by mail to said Secretary.

R. L., Sec. 92.
Certificate not
received, what
done.

SEC. 74. The Secretary of State shall make a statement, by towns and counties, of the votes given for State, county and probate officers, and for Representative to Congress, according to the certificates transmitted to him; and shall keep such statement and said certificates, and deliver the same, when called for, to the respective committees appointed by the General Assembly to canvass such votes; and he shall also furnish the town clerks such instructions and blank forms as are necessary to carry out the provisions of this chapter in respect to such certificates.

R. L., Sec. 93.
Statement of
votes according
to certificates.

SEC. 75. The canvassing committee, after the canvass, shall deposit the certificates in the office of the Secretary of State.

R. L., Sec. 94.
Final disposal of
certificates.

CHAPTER V.

CANVASSING VOTES AND SPECIAL ELECTIONS
FOR REPRESENTATIVES TO CONGRESS.

SECTION.

76. Committee to canvass certificates of votes and notify Governor.
77. Committee to make list of certificates, and lodge certificates and copy of list with Secretary of State.
78. If no election, Governor to be notified.
79. Governor to make proclamation for new election.

SECTION.

80. Certificate of votes to be returned to county clerks.
81. Clerks, or Sheriffs, to meet.
82. To canvass votes.
83. To make list of certificates and number of votes and lodge copies with clerks; certificates to be preserved.
84. In case of vacancy, Governor to make proclamation for special election.

R. L., Sec. 101.
Canvass of votes;
notice of result.

SEC. 76. A committee for each congressional district shall be appointed by the General Assembly within one week from the commencement of each biennial session thereof, which committees shall canvass the certificates of votes given for Representative to Congress in their respective districts, and shall declare the person having a majority of the votes in each district elected, and shall immediately give notice thereof to the Governor.

R. L., Sec. 102.
List of certificates; certificates and copy of list to be lodged with Secretary of State.

SEC. 77. The committees shall make a list of the certificates from the several towns, with the number of votes for each person, designating such as are illegal, and lodge a copy of the same and the original certificates with the Secretary of State, to be kept by him until the close of the first session of the Congress for which such election was made.

R. L., Sec. 103.
No election, Governor to be notified.

SEC. 78. If, in any district, no person has a majority of the votes the committee shall immediately give notice thereof to the Governor, and forward to him a statement of the number of votes given for each person.

R. L., Sec. 104.
Governor to make proclamation.

SEC. 79. The Governor immediately on receiving such notice shall issue a proclamation, which shall be published in each newspaper printed in said district, that no election has been made in such district, and stating the number of votes given for each candidate; and the proclamation shall require the freemen of the district to meet on the Tuesday next after the first Monday in November then next, at one o'clock in the afternoon, in the places in the several towns where the freemen's meetings were last held, to elect a Representative to Congress; which meeting shall be conducted as before provided in case of freemen's meeting.

SEC. 80. A certificate of the number of votes for each candidate taken at such meeting, signed, recorded, sealed up and superscribed as heretofore provided, shall be delivered, by the presiding officer, to the clerks of the respective counties in such district, within one week after such meeting.

R. L., Sec. 105.
Certificate of
votes to be re-
turned to county
clerk.

SEC. 81. Such county clerks, and, in case of the absence or disability of a clerk, the Sheriff of the county, shall meet on the third Tuesday next succeeding the time of holding such meeting, at the following places in their respective districts: in district number one, at the court house in Middlebury; in district number two, at the White River Junction House in Hartford; and in district number three,* at the court house in Hyde Park, to canvass said votes.

R. L., Sec. 106.
Clerks or Sheriffs
to meet.

SEC. 82. They shall be severally sworn and shall publicly canvass the votes; and in case of an equal division as to the admission of votes shall call to their aid a judge of the court of the county in which they meet, who shall thereupon have an equal voice with them on that question; and they shall declare the person having the greatest number of votes elected, and give notice thereof to the Governor.

R. L., Sec. 107.
Canvass of votes.

SEC. 83. They shall make a list of the certificates from each town, and the number of votes for each person, designating such as they judge illegal, and lodge certified copies with the county clerks of the district, to be open for inspection, and shall preserve the original certificates until after the first session of Congress for which the election is made.

R. L., Sec. 108.
Lists to be made
and copies
lodged; certifi-
cates preserved.

SEC. 84. If a vacancy occurs in a congressional district, the Governor shall issue a proclamation, directing an election to be made in such district to fill the vacancy on a day designated in such proclamation; and such election shall be held, and the result ascertained and declared as provided in cases where no election is made on the first Tuesday in September.

R. L., Sec. 109.
Vacancy.

*There are now but two districts. See R. L., Secs. 56-58.;

CHAPTER VI.

ELECTION OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

SECTION.

85. Warning and holding meeting.
 86. Two certificates of votes; form of.
 87. One certificate to be sent to Secretary of State.
 88. Board of canvassers; duties of; vacancies in.

SECTION.

89. List of certificates; copy of to be lodged with Secretary of State; certificates preserved.
 90. Meeting of Electors; vacancies.
 91. Electors' compensation.

R. L., Sec. 110.
 Warning and holding meeting.

SEC. 85. In the year when the election of President and Vice-President of the United States occurs, a notice shall be set up in each town as before provided, warning the freemen to meet and vote for such number of Electors as the State is entitled to; and said meeting shall be held, and the votes for such Electors taken and counted, as provided in the case of State officers; and a list of the names of persons voting shall be kept by the clerk.

R. L., Secs. 111 and 112, as amended by 1884, No. 70.
 Two certificates of votes; form of.

SEC. 86. When an election of Electors of President and Vice-President is had, two certificates of the number of votes given for each candidate shall be made and signed by the presiding officer of the meeting at which the votes are cast. The certificate shall be in the following form:

STATE OF VERMONT.

At a freemen's meeting, legally warned and holden at ———, on the Tuesday next after the first Monday in November, A. D. ———, the votes for Electors of President and Vice President of the United States having been duly taken and examined, the following named persons had the number of votes set to their names respectively: [*Here state the names of the persons voted for, and the number of votes for each.*]

Given under my hand at ——— this ——— day of ———, A. D., ———. A. B., *Presiding Officer.*

One certificate to be sent to Secretary of State.

SEC. 87. The presiding officer shall seal up one of such certificates and write thereon the name of the town and the words: "*Certificate of votes for Electors,*" and shall, within two days after such election, transmit such certificate by mail to the Secretary of State at Montpelier, for the use of the canvassers. The other certificate shall, within two days after such election, be delivered by the presiding officer to the town clerk, who shall file and record the same in his office, and, within four days after such

The other to be delivered to town clerk, filed, and copy sent to Secretary of State.

election, transmit a certified copy thereof to the Secretary of State at Montpelier. A certified copy of the certificate filed in the town clerk's office, or of the record thereof, may be used by the canvassers in case the other certificate is lost or defaced.

SEC. 88. The Lieutenant-Governor, Secretary of State and Speaker of the House of Representatives shall constitute a board to canvass the votes for Electors of President and Vice-President. Said board shall meet at the State House in Montpelier on the third Tuesday in November of the year in which the votes are cast, and being duly sworn shall there publicly canvass said votes and declare the persons equal to the number of Electors to be chosen, having the greatest number of votes, elected Electors of President and Vice-President of the United States, and give notice thereof to the Governor and to each person elected within five days from such meeting. If any member of the board fails to appear at the meeting on the third Tuesday in November the Governor shall appoint some one to act as member of the board in his place.

R. L., Sec. 113.
Board of canvassers: duties of; vacancies in.

SEC. 89. The canvassers shall make a list of the certificates from the several towns with the number of votes for each person, designating such as are illegal, and shall lodge a certified copy of such list in the office of the Secretary of State, open for inspection, and preserve the original certificates until after the election of President and Vice-President is declared.

R. L., Sec. 114.
List of certificates; certificates preserved.

SEC. 90. The persons declared elected shall meet at the State House in Montpelier, on the day before the first Wednesday in December, to vote for President and Vice-President of the United States, agreeably to the laws of the United States; and if there is a vacancy in such electoral college on said day, occasioned by death, refusal to act, neglect to attend, or in other manner, or for other cause, the other Electors present shall immediately fill, by viva voce and plurality of votes, such vacancy; and when all the Electors shall appear, or the vacancy therein is thus filled, such Electors shall perform the duties required of them by the Constitution and laws of the United States. If a vacancy occurs and is filled as aforesaid, the Electors shall attach to the certificate of their votes a statement showing how such vacancy occurred, and their action thereon.

R. L., Sec. 115.
Meeting of Electors; vacancies.

SEC. 91. The Electors for President and Vice-President shall each receive for attendance upon the meeting provided for in the preceding section, the sum of ten dollars and actual expenses.

R. L., Sec. 116.
Electors' compensation.

CHAPTER VII.

CONTESTING ELECTIONS.

SECTION.

92. Person contesting election of Town Representative, to give notice.
 93. Testimony, how and when taken.
 94. Testimony for returned member and in rebuttal.

SECTION.

95. Depositions in contested elections of State officers.
 96. Testimony to be taken as in civil causes.
 97. Witnesses must obey summons.

R. L., Sec. 95.
 Of Representative;
 contestant to give notice.

SEC. 92. No person shall contest the election of a returned Representative to the General Assembly unless it appears that such Representative was notified in writing of the intention to make such contest within six days from the day of such election.

R. L., Sec. 96.
 Testimony; how and when taken.

SEC. 93. No testimony shall be used at the hearing of a contested election, unless taken in writing, within the town where the person resides whose election is contested before a Justice, not an inhabitant of such town, who, by law, may judge between the parties, at least six days before the commencement of the session of the General Assembly; nor unless it appears by the certificate of such Justice, that such person had received at least six days' notice of the time and place of taking such testimony; and such testimony shall be taken within fourteen days after such election.

R. L., Sec. 97.
 Testimony for returned member;
 rebuttal.

SEC. 94. The person whose election is contested may take testimony in his behalf, at the time and place set for taking testimony against him, without notice, or at any time and place within said town, before a Justice, as aforesaid, by giving to the person contesting his election six days' notice, in writing; and he shall close the taking of his testimony within eight days after the taking of the testimony of the contestant; and the contestant shall close his rebutting testimony within six days thereafter.

R. L., Sec. 98, as amended by 1884, No. 69, § 8.
 Depositions in contested elections of State officers.

SEC. 95. No deposition shall be used before the committee to canvass the votes for Governor, Lieutenant-Governor, Treasurer of the State, Secretary of State and Auditor of Accounts, as to the legality of said votes, unless it appears by the certificate of the Justice taking such

deposition, that the presiding officer and the selectmen of the town in which such votes were given, were duly notified of the time and place of taking such deposition, and that the same was taken within such town at least ten days before the session of the General Assembly.

SEC. 96. Testimony in contested elections, and as to the validity of votes, shall be taken, as nearly as may be, in the form prescribed for depositions to be used in civil causes. R. L., Sec. 99. Testimony, form of taking.

SEC. 97. Witnesses duly summoned and tendered their fees shall make their depositions in cases of contested elections, at the time and place mentioned in the summons. R. L., Sec. 100. Witnesses, duty of.

TITLE C.

ELECTIONS IN TOWN MEETING.

CHAPTER I.—Town meetings.

CHAPTER II.—Officers elected in town meeting.

CHAPTER III.—Manner of conducting elections in town meeting.

CHAPTER I.

TOWN MEETINGS.

SECTION.

- 98. Voters in.
- 99. Women voters for certain officers.
- 100. Annual meeting, when held; officers may be elected at special meeting.
- 101. Annual meeting may be adjourned.
- 102. Meetings how warned.

SECTION.

- 103. Meetings in towns of over 10,000 inhabitants.
- 104. Special meetings, power and duty of selectmen to warn.
- 105. When office of selectman vacant, meetings how called.
- 106. Penalty for neglect to warn.
- 107. Warning to be recorded.
- 108. Annual meeting, by whom called to order.

R. L., Sec. 2644.
Who are voters in town meeting.

SEC. 98. Male citizens, twenty-one years of age, whose lists are taken in any town at the annual assessment next preceding a town meeting, or who are exempt from taxation for any cause, shall, while residing in the town, be voters in town meetings.

R. L., Sec. 524.
Women may vote in certain cases.

SEC. 99. Women shall have the same right to vote as men have in all school district meetings, and in the election of school commissioners in towns and cities, and the same right to hold offices relating to school affairs.

R. L., Sec. 2646.
Annual meeting, when held; if not held, officers may be elected at special meeting.

SEC. 100. Section two of chapter fifteen of the General Statutes is amended so as to read as follows:

“A meeting of the inhabitants of each town, who are legal voters in town meetings, shall be held in each town on the first Tuesday of March, annually, for the election of town officers and the transaction of other proper business;

but the failure to hold an annual town meeting, as herein provided, shall not prevent the election of town officers at any subsequent town meeting legally warned and holden."

SEC. 101. A meeting of such voters shall be held in each town in March annually for the election of officers and the transaction of other business; and it may be adjourned to another time when the business may be completed.

R. L., Sec. 2645.
Annual meeting
may be adjourned

SEC. 102. Town meetings shall be warned by the selectmen, by a notification set up in three public places in town at least twelve days before the meeting, setting forth the business to be done and the subjects to be considered at the meeting.

R. L., Sec. 2647.
Town meetings,
how warned.

SEC. 103. In towns, whose population by the last census taken, exceeds ten thousand inhabitants, the annual March or other town meetings shall be warned to meet at nine o'clock in the forenoon, and the time for transaction of business other than the election of officers in such meetings shall be two o'clock in the afternoon, and the business transacted shall be confined to the articles specified in the warning.

R. L., Sec. 2648,
as amended by
1884, No. 67.
Hour for holding
town meetings in
towns of more
than 10,000 inhab-
itants.

SEC. 104. The selectmen may call special town meetings when they judge it necessary, and they shall call such meetings on the application of six voters.

R. L., Sec. 2649.
Special meetings;
power and duty
of selectmen to
warn.

SEC. 105. If the offices of any of the selectmen are vacant, those in office may call the meetings; and if there are no selectmen who can call the meetings, they may be called by the town clerk.

R. L., Sec. 2650.
When office of
selectman vac-
ant; meetings,
how called.

SEC. 106. If the officers whose duty it is to warn or cause to be warned, town meetings, fail to do so for ten days after receipt of petition addressed to them for that purpose by thirty voters of the town, stating therein the object of the meeting, each such officer shall be fined forty dollars, and forty dollars in addition for every thirty days' neglect to warn or cause to be warned such meeting, such penalties to be recovered in an action on this statute in the name of either petitioner, one-half to go to the prosecutor and one-half to the town.

R. L., Sec. 2651.
Penalty for neg-
lect to warn.

SEC. 107. Warnings for town meetings shall be recorded in the town clerk's office.

R. L., Sec. 2652.
Warning to be
recorded.

SEC. 108. Annual town meetings shall be called to order by the town clerk, or in his absence by one of the selectmen, who shall read the warning and call upon the voters to choose a moderator, and shall preside until the moderator is chosen.

R. L., Sec. 2653.
Duties of town
clerk or select-
man in opening
annual meetings.

CHAPTER II.

OFFICERS ELECTED IN TOWN MEETING.

SECTION.

- 109. Town officers; term of office.
- 110. Women eligible to certain offices; bond of married woman.
- 111. Street commissioners.
- 112. Highway surveyors to be nominated by selectmen.
- 113. Highway surveyors; how appointed and removed in towns of over 6,000 inhabitants.
- 114. School directors.

SECTION.

- 115. Jurors, grand and petit.
- 116. Selectmen cannot hold certain offices.
- 117. Incompatible offices.
- 118. Treasurer cannot hold certain offices.
- 119. Collector ineligible for re-election, when.
- 120. Selectmen and other officers ineligible for re-election, when.

E. L., Sec. 2658.
Town officers;
term of office.

SEC. 109. At the annual meeting towns shall choose from among the inhabitants thereof the following town officers, who shall serve until the next annual meeting, and, except the moderator, until others are chosen, unless otherwise provided by law:

A moderator.

A town clerk.

Three, four, or five selectmen.

A town treasurer.

An overseer of the poor.*

A first constable, and, if necessary,

A second constable.

A collector of taxes, if the town so orders.

Three, four, or five listers.

Three auditors.

One or more trustees of public moneys.

Three fence viewers.

One or more grand jurors.

One or more inspectors of leather.

A pound keeper for each pound.

One or more surveyors of wood and inspectors of lumber and shingles.

A surveyor of highways for each district, unless the town elects street commissioners.

An agent to prosecute and defend suits in which the town is interested.

A superintendent of schools, except in towns using the town system.

* In towns of over 10,000 inhabitants, this officer is now appointed by board of civil authority. See acts of 1884, No. 58.

SEC. 110. Women twenty-one years of age may be elected or appointed to the office of town superintendent of schools or town clerk of a town if they have resided in such town one year next preceding such election or appointment. And any bond given by any married woman so elected or appointed shall be as valid against her and may be enforced against her separate property and against the sureties upon such bond in the same manner as though she were sole and unmarried.

R. L., Sec. 2659.
Women eligible
to certain offices;
official bond of
married woman.

SEC. 111. Each town may, at its annual meeting, elect three persons as commissioners of streets and highways, who shall hold office for one year and shall have the care of, and shall make and repair, the highways in such town and expend the moneys raised for that purpose, and shall have the powers and be subject to the liabilities of highway surveyors; and in such case no highway surveyor shall be appointed in the town.

R. L., Sec. 3082.
Street commis-
sioners.

SEC. 112. The selectmen shall present to the annual meeting for its approval, candidates for surveyors of highways when street commissioners are not elected; and the surveyors elected shall hold office for one year from the fifteenth day of May succeeding their election.

R. L., Sec. 2660.
Highway Survey-
ors to be nomi-
nated by Select-
men.

SEC. 113. In towns whose population by the last census taken exceeds six thousand inhabitants, the highway surveyors shall be appointed by the board of civil authority thereof, who shall meet for that purpose at ten o'clock in the forenoon on the first Tuesday after the annual March meeting of said towns, instead of being elected as now provided by law; and when in the opinion of the selectmen of any such towns any highway surveyor so appointed is derelict in duty, such highway surveyor may be removed by such board of civil authority, or a majority of said board, and another appointed in his place.

R. L., Sec. 2661.
Highway Survey-
ors, how appoint-
ed and removed
in towns of over
6,000 inhabitants.

SEC. 114. If a town votes to abolish the district system it shall, at the same meeting, elect a board of three or six school directors, citizens of such town, one-third of whom shall be elected for one year, one-third for two years, and one-third for three years from the close of the school year. At each annual town meeting thereafter the town shall elect successors to those directors whose term of office expires that year, and the term of office of directors so chosen shall commence at the close of the school year and continue for three years. A vacancy in the board may be filled by the selectmen until the next annual town meeting when the town shall elect a director for the remainder of the unex-

R. L., Sec. 594.
School directors.

pired term. All directors, whether elected or appointed, shall hold office until their successors are elected.

1884, No. 111,
§ 1.
Jurors, grand and
petit.

SEC. 115. Members of the board of civil authority present at an annual town meeting shall nominate to the meeting such number of persons for grand and petit jurors, to attend the county court for the year ensuing, as they judge will be the proportion of the town, and they shall be chosen by the town, at such meeting; and the town clerk shall, within five days thereafter, return by mail to the clerk of the county court, his certificate of election of the persons so chosen, therein giving the full name and post office address of each person; and the clerk of the county court shall write the name and post office address of each person, so returned, on a separate piece of thick paper, such pieces of paper to be of uniform size and color, and he shall put them into a box to be kept in his office for that purpose, keeping the names from each town in a separate compartment; and such box shall contain one large compartment into which the names from the respective towns shall successively be placed for the drawing of grand and petit jurors specified in section eight hundred and eighty-eight of the Revised Laws; and every person drawn by the Sheriff or his deputy to serve as grand or petit juror, from any town containing more than two hundred inhabitants, shall be disqualified from again serving as a juror for two years from such drawing.

[For election of county commissioner, see Secs. 134-6.]

DISQUALIFICATIONS.

R. L., Sec. 2701.
Selectman cannot
hold certain
offices.

SEC. 116. A selectman shall not be first constable, collector of taxes, or town treasurer.

R. L., Sec. 2702.
Incompatible offices.

SEC. 117. No person shall at the same time hold the offices of selectman and lister in any town in this State.

R. L., Sec. 2722.
Treasurer cannot
hold certain
offices.

SEC. 118. A town treasurer shall not be constable or collector of taxes.

R. L., Sec. 2733.
Collector ineligible
for re-election,
when.

SEC. 119. The collector shall, on or before the first day of March in each year, pay over all moneys collected by him, to the treasuries to which they belong, and settle his account with the treasurers. And the town auditors shall, on or before the first day of March, annually, examine the accounts of the treasurer which he is required to keep with the collector, and shall report the state of such accounts to the annual town meeting. If a collector refuses or neg-

lects to pay over the moneys collected by him in any year, and to settle his accounts as required by this section, he shall be ineligible to re-election to the office of collector for the year ensuing.

SEC. 120. Selectmen, town treasurers, town clerks, overseers of the poor, and all persons authorized to receive or disburse moneys belonging to a town, shall settle their accounts with the auditors of such town on or before the first Tuesday of March, annually. And if any such officer refuses or neglects to make such settlement in any year, he shall be ineligible to re-election to the same office for the year ensuing.

R. L., Sec. 2734.
Selectmen and other officers ineligible for re-election, when.

CHAPTER III.

MANNER OF CONDUCTING ELECTIONS IN TOWN MEETING.

SECTION.	SECTION.
121. Elections in towns of 3,500 inhabitants to be by ballot, when.	127. Check-list; additional ballot boxes.
122. Election of certain officers in other towns to be by ballot, when.	128. Ballot boxes in towns of certain population.
123. Proceedings upon ballot; counting votes; plurality elects. Tie.	129. Moderator's duties at elections.
124. List of voters to be filed; evidence as to vote.	130. Moderator to preserve order.
125. Three voters may require ballot for certain officers, when.	131. Town clerks to record names of persons elected.
126. Vacancies in town office may be filled by election.	132. Persons present when elected deemed to accept; others to be notified.
	133. Person elected, to serve, unless. Penalty for refusal.
	134-6. Election of county commissioner.

SEC. 121. In annual meetings in towns of thirty-five hundred inhabitants which have, at a meeting called for that purpose, voted to so proceed, the moderator shall if demanded in writing by twenty voters present be elected by ballot, and upon similar demand a ballot shall be had for the remaining town officers, and they shall be voted for on one ticket. A list of the names of persons voting shall be kept by the town clerk or by one of the board of civil authority designated by him.

R. L., Sec. 2662.
Election of all officers by ballot on demand, when; list of voters.

SEC. 122. In other towns having in like manner voted to so proceed, on similar demand of twenty voters, the moderator, town clerk, first constable and selectmen shall be elected by ballot, and, except moderator, upon one ticket, and a similar list of persons voting shall be kept;

R. L., Sec. 2663.
Election by ballot of certain officers on demand, when; list of voters.

and other officers shall be chosen as the annual meeting directs.

R. L., Sec. 2664.
Proceedings upon
ballot, counting
votes; plurality
elects. Tie.

SEC. 123. When a ballot is had as provided in sections two thousand five hundred and fifteen and two thousand five hundred and sixteen, [§ § 121, 122], the polls shall be kept open a reasonable time, and fifteen minutes' notice of their close shall be given. The votes shall be counted by the members of the board of civil authority present, and the person having the greatest number for any office shall be declared elected to that office; and if two persons receive such greatest number, further ballotings, if demanded as by law provided, shall be had until an election is made; otherwise an election may be made as the meeting directs.

R. L., Sec. 2665.
List of voters to
be filed; evidence
as to vote.

SEC. 124. The list of the names of persons voting when kept at a town meeting, shall be filed in the town clerk's office; and such list or a certified copy shall be evidence in courts that the persons whose names appear thereon voted as indicated.

R. L., Sec. 2666.
Three voters may
require ballot,
when.

SEC. 125. In towns which do not proceed as provided in the four preceding sections, the moderator, town clerk, selectmen, treasurer, overseer of the poor, constable, superintendent of schools, grand jurors and listers shall be elected by ballot, when required by three voters present.

R. L., Sec. 2667.
Vacancies may be
filled by election.

SEC. 126. Any town meeting may, agreeably to the provisions of the preceding sections, fill vacancies in town offices.

R. L., Sec. 2666.
Check-list; addi-
tional ballot
boxes.

SEC. 127. On petition in writing by twenty or more voters in a town where the number of inhabitants does not exceed four thousand, or, if the number exceeds four thousand, without petition, the selectmen shall make a check-list of voters in town meeting. And such check-list shall be made and used in town meetings in the manner provided for check-list of voters in freemen's meetings, and additional ballot boxes may be used as in freemen's meetings.

R. L., Sec. 2657.
Ballot boxes in
towns of certain
population.

SEC. 128. In towns as specified in section one of this act [§ 103*], the board of civil authority may direct the opening of not exceeding ten sets of ballot boxes at different places in the room where an election is held, and may divide the check-list into the same number of parts; and no person shall vote except at the place provided for that portion of the list which contains his name.

* § 103 of this compilation at the time of the enactment of § 128 read "seven thousand" in the second line.

SEC. 129. The moderator shall be the presiding officer of town meetings, shall decide questions of order and make public declaration of votes passed; and when a vote declared by him is immediately questioned by seven voters present, shall poll the voters or divide the meeting, unless the town has provided some other procedure in such cases.

R. L., Sec. 2676.
Moderator's duties at elections.

SEC. 130. He shall preserve order in the conduct of business and in debate; and if a person after notice is persistently disorderly and refuses to withdraw from the meeting, he may cause him to be removed, calling upon the constable or other person for that purpose, and confine him until the meeting is adjourned; and a person so refusing to withdraw when ordered to do so, shall forfeit not more than twenty dollars to the town.

R. L., Sec. 2677.
Moderator to preserve order.

SEC. 131. Town clerks shall record the votes, resolutions and by-laws, passed at town meetings, and the names of persons elected to town offices.

R. L., Sec. 2678.
Town clerks to record names of persons elected.

SEC. 132. A person present at the meeting electing him to a town office shall be treated as accepting unless he declines and is excused by the meeting. If not present he shall be served with a written notice, signed by the clerk and served by the constable. The constable shall make return of such service to the town clerk within ten days, or be fined not more than five dollars to the use of the town.

R. L., Sec. 2670.
Persons present when elected, deemed to accept; others to be notified.

SEC. 133. A person elected or appointed to a town office shall serve unless he has good reasons for not serving, or others are unjustly exempted from service. If he refuses to serve or be sworn on demand of the town clerk or a selectman, without such excuse, he shall forfeit to the town not more than ten dollars.

R. L., Sec. 2671.
Persons elected to serve unless. Penalty for refusal.

COUNTY COMMISSIONER.

SEC. 134. A county commissioner shall be chosen annually on the first Tuesday of March by the voters of the several towns in each county. Notice of the election shall be given by the selectmen of the respective towns, as is provided for town meetings; and a certificate of votes for such commissioner shall be forwarded by town clerks to the clerk of the county in which such towns are situated on or before the second Tuesday in the next April.

R. L., Sec. 3787.
County Commissioner.
Warning.

Certificate of votes.

SEC. 135. The box for receiving votes for commissioner shall be opened not later than twelve o'clock, noon, and remain open until three o'clock in the afternoon. The mayor and board of aldermen of cities shall cause a box to be

R. L., Sec. 3788.
Hour for opening and closing ballot box.

Canvass and re-
turn of votes.

R. L., Sec. 3789.
County clerk to
canvass votes
and issue certifi-
cate.

placed to receive votes for commissioner in each ward of a city, at the annual election in March, at the usual polling places in the wards of such city; and the inspectors of elections in such wards shall canvass the votes for commissioner and make return of the same to the city clerk immediately after the election is held.

SEC. 136. The county clerk shall on the second Tuesday in April canvass the votes so returned and declare the person having the greatest number of votes elected commissioner, and shall issue to such person a certificate of his election and make proclamation of such election in one or more newspapers.

TITLE D.

OFFENSES AGAINST THE PURITY OF ELECTIONS.

SECTION.

137. Bribery; penalty for
 138. One voting knowing that he is unqualified.
 139. Voter casting more than one ballot.
 140. Aiding unqualified person to vote.
 141. Attempt to influence vote by bribery, threats, or otherwise.
 142. Giving intoxicating drinks to voter.
 143. Voting in more than one town.
 144. False answer to presiding officer, or board, on right to vote.

SECTION.

145. Receiving or counting illegal vote.
 146. Non performance of duties as to elections.
 147. Voter omitted from check-list by his fault, voting elsewhere.
 148. Procuring wrongful changes in check-list.
 149. Perjury before board making check-list.
 150. Personation of another in voting; offering vote under fictitious name.
 151. Betting on election.

SEC. 137. All elections, whether by the people or the Legislature, shall be free and voluntary: and any elector who shall receive any gift or reward for his vote, in meat, drink, moneys or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the law shall direct; and any person who shall directly or indirectly, give, promise, or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future Legislature shall direct.

Const., Sec. 34th.
 Elections free and voluntary.
 Penalty for bribery.

SEC. 138. A person who, knowing that he is not a qualified voter, gives in a vote at a town, village, school district or freemen's meeting for an officer to be elected at such meeting, shall be fined not more than one hundred dollars.

R. L., Sec. 4290.
 Person voting, knowing he is unqualified.

SEC. 139. A legal voter who knowingly gives in at an election more than one ballot at any one time of balloting for the same office shall be fined not more than one hundred dollars, if the offense is committed in freemen's meeting, and not more than ten dollars if the offense is committed in town meeting, in which last case the offenders shall be prosecuted by the town agent and the penalty shall go to the town.

R. L., Sec. 4291.
 Voter casting more than one ballot.

E. L., Sec. 4292.
Aiding unqualified person to vote.

SEC. 140. A person who wilfully aids or abets a person who is not a voter in voting or attempting to vote in freemen's meeting shall be fined not more than one hundred dollars.

E. L., Sec. 4293.
Bribery, threats and undue influence.

SEC. 141. A person who attempts by bribery, threats or any undue influence to dictate or control or alter the vote of a freeman about to be given in at an election of United States, State or county officers or members of the General Assembly, shall be fined not more than two hundred dollars.

E. L., Sec. 4294.
Giving intoxicating drink to voter.

SEC. 142. A person who directly or indirectly gives intoxicating liquor to a freeman with intent to influence his vote at an election specified in the preceding section or as a reward for the same, shall be fined not more than two hundred dollars.

E. L., Sec. 4295.
Voting in more than one town.

SEC. 143. A person who on the same day votes in more towns than one for the same officers shall be fined not more than one hundred dollars.

E. L., Sec. 4296.
False answer to presiding officer or board, on right to vote.

SEC. 144. A person who knowingly gives any false answer or information to the presiding officer in a freemen's meeting or the authority present to decide upon the qualifications of voters, touching a person's right to vote at such election shall be fined not more than one hundred dollars.

E. L., Sec. 4297.
Presiding officer receiving illegal vote.

SEC. 145. A presiding officer in a town, village, school district, or freemen's meeting who knowingly receives and counts a vote from a person not a qualified voter, or knowingly receives from a voter, at any one balloting for the same office, more than one vote shall be fined not more than one hundred dollars if the offense is committed in town, village or school district meeting and not more than five hundred dollars if the offense is committed in freemen's meeting.

E. L., Sec. 4298.
Non-performance of duties as to elections.

SEC. 146. If a person wilfully neglects or refuses to perform any of the duties required of him respecting elections by the provisions of title third* he shall be fined not more than two hundred dollars.

E. L., Sec. 4299.
Voter omitted from check-list by his fault, voting elsewhere.

SEC. 147. A person resident and entitled to vote in a town in which a check-list† of voters has been made previous to an election, whose name through his neglect is not entered thereon, who votes in another town at such election, shall be fined not more than two hundred dollars.

E. L., Sec. 4300.
Procuring wrongful change in check-list.

SEC. 148. A person who directly or indirectly procures or causes to be procured or aids in procuring the name of a person to be inserted on a check list of voters, knowing

*Title B of this compilation.

†All towns are now required to have a check-list. See Sec. 42.

such person not to be a voter in the town for which said list is made, or directly or indirectly procures or causes to be procured or aids in procuring the name of any person to be erased from said list, knowing him to be a legal voter in such town, shall be fined not more than one hundred dollars and the penalty shall go to the town.

SEC. 149. A person who knowingly falsely swears to a fact or matter which may be the subject of inquiry under section sixty-two [§ 45] shall be guilty of perjury and imprisoned in the state prison not more than fifteen years and fined not more than one thousand dollars.

B. L., Sec. 14801.
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SEC. 150. Any one who personates another person, living or dead, and who gives in or offers to give in his vote in the name of such other person, or gives in or offers to give in his vote under a fictitious name, at a town, village, school district or freemen's meeting, for an officer to be elected at such meeting, shall be fined not more than one hundred dollars or imprisoned not more than one year.

1884, No. 61.
Personation of
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SEC. 151. A person who wins or loses money or other valuable thing by betting on the election of a person to an office shall be fined not more than five hundred dollars.

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